

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DANIEL ZELITCH)	Case Number
)	
Plaintiff,)	
)	
vs.)	CIVIL COMPLAINT
)	
NCO FINANCIAL SYSTEMS, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, DANIEL ZELITCH, by and through his undersigned counsel, THE DELIBERTY LAW FIRM, PC, complaining of Defendant, and respectfully aver as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

2. The FDCPA broadly prohibits actions by a debt collector which are contrary to the Acts stated purpose . First, a "debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse an person in connection with the collection of a debt." 15 U.S.C. § 1692d. Second, a "debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt." 15 U.S.C. § 1692e. And third, a "debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. § 1692f. The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not

there exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in connection with the collection of a debt.

II. JURISDICTION

3. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

4. Venue in this District is proper in that the Defendant's principal place of business is here and the Defendant transacts business here.

III. PARTIES

5. Plaintiff, Daniel Zelitch (“Plaintiff”), is an adult individual and citizen of the Commonwealth of Pennsylvania, residing in Elkins Park, PA, Montgomery County, PA.

6. Defendant, NCO Financial Systems, Inc. (“NCO” or “Defendant”) had, at all times relevant to this complaint, its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was with PNC Bank. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

8. Beginning in 2007, Plaintiff started receiving a series of harassing calls from defendant and/or Defendant’s agents. The harassing calls were relative to a consumer debt allegedly incurred by Daniel Zelitch with PNC Bank related to fees incurred when closing out a bank account. The calls continued, at least twice per week, until approximately August of 2011.

9. Plaintiff received numerous automated calls to a phone which is listed in the name of his parents. Defendant’s representative have called the Plaintiff’s parents on numerous occasions, and stated to them both, each a third party, that the Plaintiff owed a debt. The phone number the agents called from displayed as “800 Service” or “NCO” on Plaintiff’s parents caller ID. The phone numbers the agents called were to a telephone listed in Defendant’s parents’ names. Defendant’s representatives persisted beyond the determination of location information.

10. Plaintiff’s mother and father, on separate occasions, informed

living at their residence, however, they continued to call and leave automated messages on Plaintiff's parents' phone number despite their request that they cease contact with them.

11. At all relevant times, Plaintiff was an adult, not a minor.

12. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

13. The above paragraphs are hereby incorporated herein by reference.

14. Defendant violated the FDCPA. Defendant's foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692, b(2), b(3), c(a)(1), c(b), d, d(5), e, and f.

15. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiffs for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in its favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
 - b. Actual damages;
 - c. Statutory damages pursuant to 15 U.S.C. §1692k;
 - d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
- and
- e. Such additional and further relief as may be appropriate or that the

interests of justice require.

V. JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

THE DELIBERTY LAW FIRM, PC

Date: 01/11/2011

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